

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE SOLOBAY,

Plaintiff,

v.

PRESIDIO TRUST,

Defendant.

Case No. [23-cv-06359-TSH](#)

ORDER TO SHOW CAUSE

On December 11, 2023, Plaintiff Michelle Solobay filed this complaint against Defendant Presidio Trust. To date, no proof of service of the summons and complaint has been filed. As such, on March 8 the Court vacated the March 14 case management conference and ordered Plaintiff to file a status report by March 21, 2024. No response has been received.

Proper service of process is a prerequisite to the Court's exercise of personal jurisdiction over a defendant. Fed. R. Civ. P. 4(k). "A federal court is without personal jurisdiction over a defendant unless the defendant has been served in accordance with Federal Rule of Civil Procedure 4." *Crowley v. Bannister*, 734 F.3d 967, 974–75 (9th Cir. 2013) (quoting *Travelers Cas. & Sur. Co. of Am. v. Brenneke*, 551 F.3d 1132, 1135 (9th Cir. 2009)). "If a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time." Fed. R. Civ. P. 4(m). Accordingly, the Court **ORDERS** Plaintiff to show cause, in writing and no later than April 4, 2024, why this case should not be dismissed for failure to serve within the time required by Rule 4(m). Notice is hereby provided that failure to file a written response will be deemed an admission that you do not intend to prosecute, and this case will likely be dismissed. Thus, it is imperative the Court receive a written

response by the deadline above.

IT IS SO ORDERED.

Dated: March 22, 2024


THOMAS S. HIXSON
United States Magistrate Judge

United States District Court
Northern District of California